



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION

Agenda

January 13, 2014

City of Whitewater Municipal Building
312 W. Whitewater St., Whitewater, Wisconsin
6:00 p.m.

1.	Call to order and Roll Call.
2.	Hearing of Citizen Comments. No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Plan Commission discusses that particular item.
3.	Review and approve the Plan Commission minutes of December 9, 2013.
4.	Review proposed Extra-territorial Certified Survey Map for a lot line adjustment at W7765 Bluff Road for Colleen and Mark Strelow.
5.	Review proposed Extra-territorial Certified Survey Map to create a lot and for a lot line adjustment at N515 Howard Road for Mike Pope.
6.	Hold a public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for The Downstairs Bar and Grill LLC. (Agent Gezim Mylkaj) to serve beer and liquor at 204 W. Main Street (for a "Class B" Beer and Liquor License) at The Bar Downstairs a/k/a Downstairs Lounge and Night Club.
7.	Hold a public hearing to enact the proposed amendments to the City of Whitewater Municipal Codes: Chapter 19 Sign Ordinance, specifically Section 19.54.052 Maximum sign sizes, addressing the B-1 (Community Business), B-3 (Highway Commercial and Light Industrial), I (Institutional), R-3 (Multifamily Residence), R-4 (Mobile Home), and AT (Agricultural Transition) Zoning Districts signage requirements for on premise directional signs to allow for nine (9) square feet of signage on each side of the directional signs.
8.	Review and recommend to the City Council, the discontinuation of the alley from E. Main Street north to the cross alley behind the properties in the 200 block of E. Main Street. This is necessary under the current plan for the East Gateway intersection design.
9.	Information Items: a. Update on Zoning Rewrite. b. Possible future agenda items. c. Next regular Plan Commission Meeting – February 10, 2014
10.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Manager, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.

The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
December 9, 2013

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Vice-Chairperson Binnie called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Lynn Binnie, Bruce Parker, Cort Hartmann, Karen Coburn, Kristine Zaballos, Daniel Comfort. Absent: Greg Meyer. Others: Wallace McDonell (City Attorney), Latisha Birkeland (City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. There was a minor change made to the minutes of the Plan Commission meeting of November 11, 2013. Moved by Coburn and seconded by Parker to approve the Plan Commission minutes of November 11, 2013 with the change. Motion approved by unanimous voice vote.

Public hearing to enact the proposed amendments to the City of Whitewater Municipal Codes: Chapter 19 Sign Ordinance, specifically Section 19.54.052 Maximum sign sizes, addressing the M-1 (General manufacturing), M-2(Manufacturing and Miscellaneous Use), and WUTP (Whitewater University Technology Park) Zoning Districts signage requirements for on premise directional signs to allow for nine (9) square feet of signage on each side of the directional signs. Community Development Authority (CDA) Director Pat Cannon explained that the request was to allow for lettering on both sides of a directional sign to help direct truck traffic in the Whitewater Business Park. It is for multi-directional purposes.

Plan Commission Member Parker noted that it had been policy that the cabinet size for the sign would be nine square feet. The directional sign could be on both sides of the cabinet.

City Planner Latisha Birkeland explained that other zoning districts had the wording for lettering on both sides of the sign. If nothing else, this change would be for clarification of the ordinance.

Moved by Parker, for clarification of the ordinance, and seconded by Coburn to recommend to City Council to approve the change to the sign ordinance to allow for on premise directional signs to have nine square feet on each side of the sign in the M-1, M-2 and WUTP Zoning Districts. Aye: Parker, Coburn, Hartmann, Zaballos, Comfort, Binnie. No: None. Absent: Meyer. Motion approved.

Public hearing for the adoption, by resolution, of the City of Whitewater Bicycle and Pedestrian Plan as part of the City of Whitewater Comprehensive Plan. Parks and Recreation Director Matt Amundson gave a brief synopsis of the plan explaining that the plan had grant funding to put it together. There are three goals for having this plan. The plan helps with eligibility requirements for grants and other funding. When working with different neighboring jurisdictions, there is a plan to work with to show them what the City is working toward. It also helps with planning for commercial, residential or mixed use, to know how to connect them.

Parks and Recreation Director Amundson highlighted 5 items for the Plan Commission. On page 9, Bicycle Friendly America program is an award for cities like Tree City USA. It is a difficult program. It is best to have a process in order before applying. The City's biggest need is signage to encourage further use (such as: names for trail segments, how long to bike or walk to a certain destination, mileage markers). Page 13, Future Policy Opportunities: The City plans to do a "complete street" policy. When a street is repaired or a new street put in, federal monies are available when there is pedestrian accommodation made. There are different types of pedestrian accommodation (page 26-27) such as dedicated bike lanes, a shared lane of traffic, or a neighborhood greenway (for example: George Street which has a direct access to the bike/pedestrian path). Page 55, Implementation Schedule: The time frame for implementation of this plan is 2013 through 2020. Page 79 gives basic cost estimates of different bicycle and pedestrian projects. If there is a proposed new development, the developer will fund the bike/pedestrian accommodation through their property.

The Plan Commission voiced concerns of: the East Gate project and bicycles; not being able to see the bicycle lanes at night; bicycle routes on Main Street; lighting?; bicycle/pedestrian crossing at Dann Street; financing; possibility of a bicycle renting program; and cost of trail maintenance.

Parks and Recreation Director Matt Amundson explained that (page 71 specific project sheets) the East Gate project has improved safety features with an enhanced sidewalk area, 8 feet wide through the corridor. Reflective paints and signage will help with the visibility of the bike paths at night. Bicyclists need and want access to downtown. An avid biker will take the roads they want to take even if it is not a designated bike route. We need to figure out how to increase the pedestrian/bicycle accessibility and get more people out. If you would like to give input to the East Gate project, there is a public information meeting on January 16, 2014, 4:30 to 6:30 p.m. at the Cravath Lakefront Community Center. Amundson has checked into solar options for lighting. The quotes vary. They almost exceed the cost of building the trail. Amundson stated that the foot bridge to Washington School is not ADA accessible and not bicycle accommodating. When that bridge is replaced it will be built to the ADA code and be bike friendly. One requirement is that the minimum height over the railroad tracks must be 30 feet. The bridge replacement project has been removed from the short term project list. Financing of pedestrian/bicycle trails can be done through grant programs such as the "Safe Routes to School" program. There are street projects every year. It will take time and continued effort to make sure the pedestrian/bicycle accommodations are made with the street projects. A program that rents bikes to ride (like in Madison or Milwaukee) must have strong support from a company to fund the bikes. The cost of maintenance of the pedestrian/bicycle trails has been included in the

2014 street and maintenance schedule. City funding for pedestrian/bicycle trails is done through the Capital Improvement Program for which tax dollars are used. The last city resident survey had the two highest markings for trail development and increasing the network of the trails.

Vice-Chairperson Binnie asked for any public comment.

Linda Loomer was also concerned about the foot bridge and its safety.

Amundson stated that an estimate of replacing the bridge at the current location varied between \$425,000 to \$935,000. It would require a maximum slope of 3%. The project will be a long range project.

Vice-Chairperson Binnie closed the public hearing.

Vice-Chairperson Binnie stated that the Bicycle and Pedestrian Advisory Committee was not listed in the acknowledgments. Since they did most of the work on the Plan, they should be listed. Page 13, Street Bikeways, why wasn't E. Milwaukee St listed? Page 42, the next to the last line states 4 E's. The introduction on page 3 has 5 E's.

Parks and Recreation Director Amundson will have the Bicycle and Pedestrian Advisory Committee members listed in the acknowledgments. He will make sure that E. Milwaukee Street and E. Main Street are listed in the Street Bikeways. The 4 E's will be corrected.

City Attorney McDonell explained the process from here. The Plan Commission recommends to the City Council to make the Plan a part of the Comprehensive Plan for the City of Whitewater. The City Council will also hold a public hearing. Once the Plan is approved, it becomes a planning tool and guide for everyone. McDonell also explained that everyone on the Plan Commission does not need to agree with everything in the document. Plan Commission members can give input and suggestions. It is a planning tool. Anything that is proposed to be done would come back to the Council for approvals.

Parks and Recreation Director Amundson stated that this Plan is a comprehensive look at a bigger picture than a bike plan to advocate to pedestrians.

Moved by Hartmann and seconded by Comfort to approve the resolution and recommend to the City Council to add the City of Whitewater Bicycle and Pedestrian Plan as part of the City of Whitewater Comprehensive Plan. Aye: Hartmann, Comfort, Parker, Coburn, Zaballos, Binnie. No: None. Absent: Meyer. Motion approved.

Informational Items:

Zoning Rewrite. City Planner Latisha Birkeland explained that the status of the Zoning Rewrite is that she needs eight more responses to the doodle. It is looking like the meeting will be scheduled toward the end of January.

Future agenda items. City Planner Birkeland stated that the Plan Commission training to be held in January or February looks like it will be in February. The next agenda, the Plan Commission will consider an expansion of the mini storage; an extra-territorial lot split, a lot split in Whitewater; and a conditional use permit for a change in ownership of the Downstairs Bar.

Next regular Plan Commission meeting – January 13, 2014.

Moved by Zaballos and seconded by Hartmann to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 7:00 p.m.

Vice-Chairperson Lynn Binnie



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: 01/13/2014
Re: Proposed Extraterritorial Jurisdiction Certified Survey Map for a lot line adjustment located at W7765 Bluff Road, Town of Whitewater, Walworth County, Whitewater, Wisconsin.

Summary of Request

Requested Approvals: Colleen and Mark Strelow are requesting a lot line adjustment between Lot 1 of CSM 1684 and Lots 1 and 2 of CSM 4096.

Location: W7765 Bluff Road, Town of Whitewater, Walworth County, Whitewater, Wisconsin.

Analysis

The City reviews the proposed lot line adjustment because it is within the 1.5-mile extraterritorial jurisdiction (ETJ) boundary. Please see the attached map.

This lot line adjustment between adjoining land owners does not create any additional lots and the final parcels are not reduced below the minimum size requirement. If the lot line adjustment is approved, the farm equipment storage shed will be located on Lot 1.

This location is outside of the Whitewater Sewer Service Area Boundary and outside of the long range urban growth area. Long range urban growth area identifies area that is beyond the 20-year planning period of the Comprehensive Plan. The Town Board unanimously approved the CSM at their October 29, 2013 Town Board meeting.

Recommendation on CSM

The proposed lot line adjustment complies with all standards and general provisions of the City Code Section 18.04.048 Extraterritorial subdivisions. I recommend that the Plan and Architectural Review Commission approve the Certified Survey Map with the following requirements:

1. The applicant shall meet all conditions set by Walworth County for final approval.
2. Final CSM shall be reviewed and signed by City Staff and recorded with Walworth County.

The map shows the City of Whitewater, represented by a tan shaded area, and the Whitewater 1.5 mile ETJ, represented by a red dashed line. A green star marks a specific location within the ETJ. A legend in the bottom right corner identifies the tan area as the 'City of Whitewater' and the red dashed line as the 'Whitewater 1.5 mile ETJ'.

BLUFF ROAD 66' WIDE R.O.W.

66' WIDE R.O.W.

310.68'
S 87°52'11" E

157.93

LOT 1
CSM 1684

LOT 1
65,355S.F.
GARAGE-

-RESIDENCE

SEPTIC LIDS

WELL

FARM EQUIP.—
STORAGE SHED

SEPTIC
VENT

437.94'

LEASEMENT PER CSM 1684
SS EASE. PER DOC. 325510

LOT 1 4096

LOT 2
CSM 4096

RESIDENCE

SEPTIC

LOT 2

70,525 S.F.

NOTE:
ACCESS EAS
DOC. 32551
WITH COUNT
TO REMOVE
ENCROACHM
EASEMENT
MODIFIED IN

LOT 2

N 89°51'59" W
310.49'



ROAD 55' WIDE R.O.W.

66' WIDE R.O.W.

157.93

LOT 1
65,355S.F.
GARAGE-

-RESIDENCE

LOT 2 CSM 3244

443.04'
00'08'00"
363.23'

SEPTIC
LIDS

WELL

FARM EQUIP. —
STORAGE SHED

SEPTIC
VENT

345.90'

E S 87°4'18" E

LOT 2
CSM-4096

138 91'

S 02°35'39" W

50' ACCESS EASEMENT PER CSM 1684
-50' ACCESS EASE PER DOC. 325510

LOT 1
MS3
CSM 4096

LOT 2
CSM 4096

-RESIDENCE

SEPTIC

LOT 2
70,525 S.F.

NOTE:
ACCESS EAS
DOC. 32551
WITH COUNT
TO REMOVE
ENCROACHM
EASEMENT
MODIFIED IN

N 89°51'59" W
310.49°

FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

OWNER: COLLEEN DRAYS
W7765 BLUFF ROAD
WHITEWATER, WI. 53190

OWNER: MARVIN DRAYS
W7765 BLUFF ROAD
WHITEWATER, WI. 53190

OWNER: KEVIN C. & CHERYL L. DRAYS
W7763 BLUFF ROAD
WHITEWATER, WI. 53190

LEGEND

- = FOUND IRON REBAR STAKE, 3/4" DIA.
- ✕ = FOUND NAIL IN PAVEMENT
- = SET NAIL IN PAVEMENT
- ⦿ = SET IRON REBAR STAKE, 24"x 3/4"x1.50 lbs./ft.
- ▣ = FOUND CONCRETE MONUMENT W/ BRASS CAP
- {XXX} = RECORDED AS

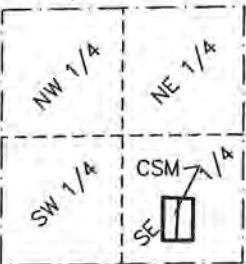
NOTE: THIS LOT LINE ADJUSTMENT BETWEEN ADJOINING LAND OWNERS DOES NOT CREATE ANY ADDITIONAL LOTS AND THE ORIGINAL PARCELS ARE NOT REDUCED BELOW MINIMUM SIZE.

ZONING: A-1 & A-2

SOILS: CeC2, CtB, HeB, ShB

CERTIFIED SURVEY MAP NO. _____

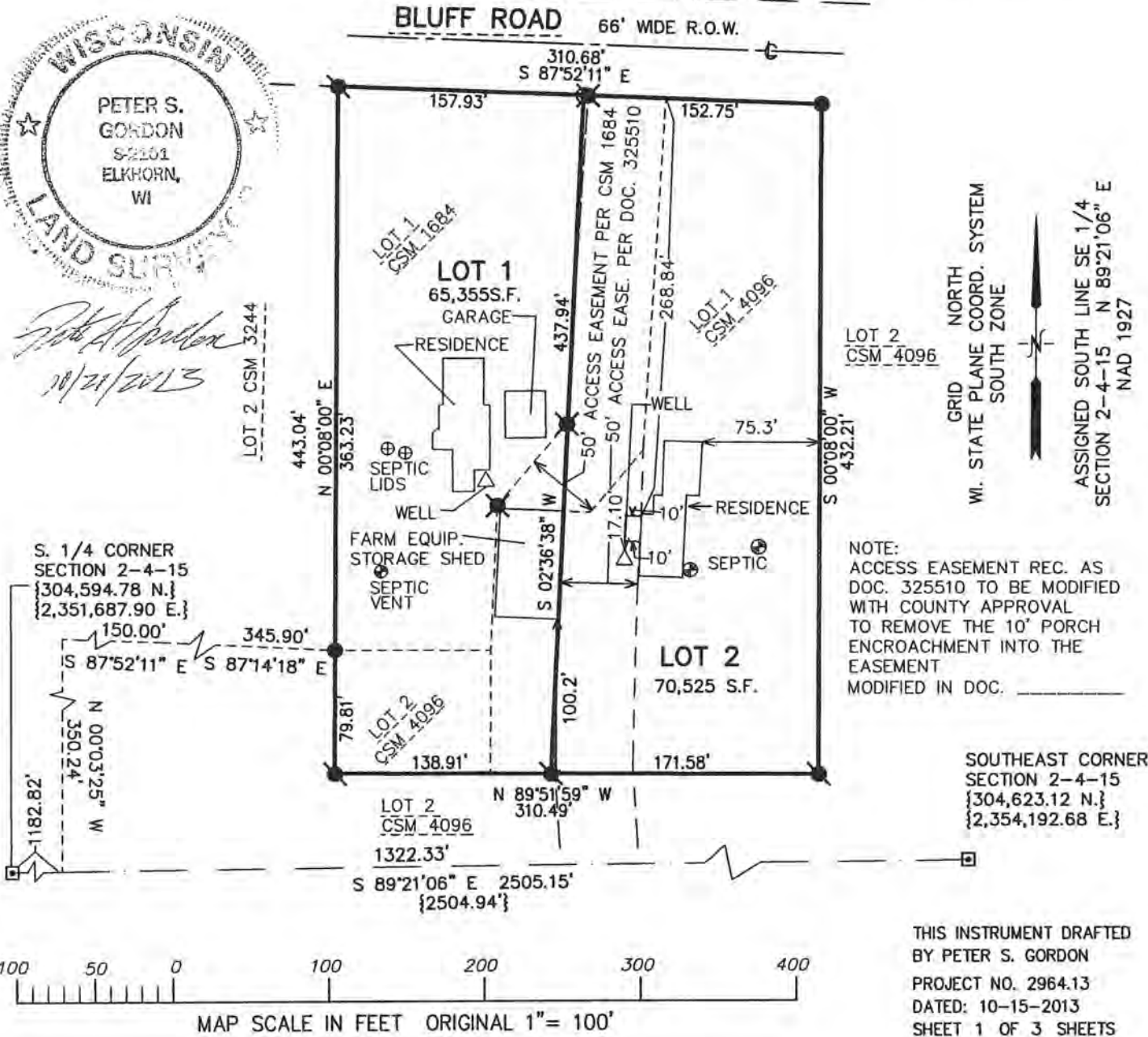
LOCATION SKETCH
SE 1/4 2-4-15



A LOT LINE ADJUSTMENT BETWEEN LOT 1 OF CSM 1684 AND LOTS 1 AND 2 OF CSM 4096, LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWN 4 NORTH, RANGE 15 EAST, TOWN OF WHITEWATER, WALWORTH COUNTY, WI.



Peter S. Gordon
10/21/2013



NOTE:
ACCESS EASEMENT REC. AS
DOC. 325510 TO BE MODIFIED
WITH COUNTY APPROVAL
TO REMOVE THE 10' PORCH
ENCROACHMENT INTO THE
EASEMENT
MODIFIED IN DOC. _____

SOUTHEAST CORNER
SECTION 2-4-15
{304,623.12 N.}
{2,354,192.68 E.}

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 2964.13
DATED: 10-15-2013
SHEET 1 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. _____

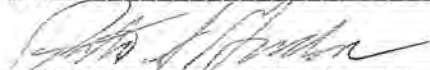
A LOT LINE ADJUSTMENT BETWEEN LOT 1 OF CSM 1684
AND LOTS 1 AND 2 OF CSM 4096, LOCATED IN THE SE
1/4 OF THE SE 1/4 OF SECTION 2, TOWN 4 NORTH,
RANGE 15 EAST, TOWN OF WHITEWATER, WALWORTH
SURVEY CERTIFICATE COUNTY, WI.

I HEREBY CERTIFY THAT AT THE DIRECTION OF COLLEEN DRAYS, MARVIN DRAYS, AND KEVIN C. AND CHERYL L. DRAYS, OWNERS, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF WISCONSIN STATUTES AND THE LAND DIVISION ORDINANCE FOR WALWORTH COUNTY, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED LANDS AND THAT THIS MAP IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE MAP AND OF THE DIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF: A LOT LINE ADJUSTMENT BETWEEN LOT 1 OF CSM 1684 AND LOTS 1 AND 2 OF CSM 4096, LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWN 4 NORTH, RANGE 15 EAST, TOWN OF WHITEWATER, WALWORTH COUNTY, WI., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2 (T4N, R15E); THENCE S 89DEG 21MIN 06SEC E, 1182.82 FEET TO THE WEST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 4096; THENCE N 00DEG 03MIN 25SEC W, 350.24 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE S 87DEG 52MIN 11SEC E, 150.00 FEET; THENCE S 87DEG 14MIN 18SEC E, 345.90 FEET TO THE POINT OF BEGINNING; THENCE N 00DEG 08MIN 00SEC E, 363.23 FEET TO THE SOUTH LINE OF BLUFF ROAD; THENCE S 87DEG 52MIN 11SEC E, 310.68 FEET ALONG BLUFF ROAD; THENCE S 00DEG 08MIN 00SEC W, 432.21 FEET; THENCE N 89DEG 51MIN 59SEC W, 310.49 FEET; THENCE N 00DEG 08MIN 00SEC E, 79.81 FEET TO THE POINT OF BEGINNING. CONTAINING 135,880 SQUARE FEET OF LAND (3.12 ACRES) MORE OR LESS.

NOTE: LOTS 1 AND 2 HAVE SANITARY SYSTEMS IN PLACE WHICH APPEARS TO BE FUNCTIONING. NO EVALUATION BY THE WALWORTH COUNTY SANITATION DEPARTMENT AS TO MEETING THE REQUIREMENTS FOR A REPLACEMENT SYSTEM UNDER SPS 385 OF WISCONSIN ADMINISTRATIVE CODE HAS BEEN MADE.

DATED: OCTOBER 21, 2013



PETER S. GORDON RLS 2101



TOWN OF WHITEWATER APPROVAL

APPROVED THIS _____ DAY OF _____, 2013 BY THE TOWN BOARD OF THE TOWN OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

CARRIE HINTZ, TOWN OF WHITEWATER CLERK

CITY OF WHITEWATER (EXTRATERRITORIAL PLAT JURISDICTION)

RESOLVED THAT THIS CERTIFIED SURVEY MAP, LOCATED IN THE EXTRATERRITORIAL PLAT JURISDICTIONAL AREA FOR THE CITY OF WHITEWATER, IS HEREBY APPROVED THIS _____ DAY OF _____, 2013.

MICHELLE R. SMITH, CITY OF WHITEWATER CLERK

OWNERS CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THE MAP. I ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO WALWORTH COUNTY, THE TOWN OF WHITEWATER, AND THE CITY OF WHITEWATER (EXTRATERRITORIAL PLAT JURISDICTION) FOR APPROVAL.

MARVIN V. DRAYS

STATE OF WISCONSIN

COUNTY OF WALWORTH

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2013, THE ABOVE NAMED MARVIN V. DRAYS, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

MY COMMISSION EXPIRES

NOTARY PUBLIC _____, WISCONSIN

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 2964.13
DATED: 10-15-2013
SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. _____

A LOT LINE ADJUSTMENT BETWEEN LOT 1 OF CSM 1684
AND LOTS 1 AND 2 OF CSM 4096, LOCATED IN THE SE
1/4 OF THE SE 1/4 OF SECTION 2, TOWN 4 NORTH,
RANGE 15 EAST, TOWN OF WHITEWATER, WALWORTH
COUNTY, WI.

OWNERS CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED,
DIVIDED, AND MAPPED AS REPRESENTED ON THE MAP. I ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE
SUBMITTED TO WALWORTH COUNTY, THE TOWN OF WHITEWATER, AND THE CITY OF WHITEWATER (EXTRATERRITORIAL
PLAT JURISDICTION) FOR APPROVAL.

KEVIN C. DRAYS

CHERYL L. DRAYS

STATE OF WISCONSIN

COUNTY OF WALWORTH

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2013, THE ABOVE NAMED KEVIN C.
DRAYS AND CHERYL L. DRAYS, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THE SAME.

MY COMMISSION EXPIRES

NOTARY PUBLIC _____, WISCONSIN

OWNERS CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED,
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SUBMITTED TO WALWORTH COUNTY, THE TOWN OF WHITEWATER, AND THE CITY OF WHITEWATER (EXTRATERRITORIAL
PLAT JURISDICTION) FOR APPROVAL.

COLLEEN DRAYS

STATE OF WISCONSIN

COUNTY OF WALWORTH

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2013, THE ABOVE NAMED COLLEEN
DRAYS, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE
SAME.

MY COMMISSION EXPIRES

NOTARY PUBLIC _____, WISCONSIN



Peter S. Gordon
10/21/2013

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 2964.13
DATED: 10-15-2013
SHEET 3 OF 3 SHEETS

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of each month. All completed plans must be in by 9:00 a.m. four weeks prior to the scheduled meeting. If not, the item will be placed on the next available Plan Commission meeting agenda.

CITY OF WHITEWATER
PLAN REVIEW APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 12-17-13.
2. Agenda Published in Official Newspaper on 1-9-14.
3. Notices of the public review mailed to property owners on —.
4. Plan Commission holds the public review on 1-13-14.
They will hear comments of the Petitioner and comments of property owners.
Comments may be made in person or in writing.
5. At the conclusion of the public review, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.63 of the City of Whitewater Municipal Code of Ordinances, entitled PLAN REVIEW, for more information on the application.

Fifteen complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

City of Whitewater
Application for Plan Review

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name:	<u>Colleen & Mark Stelow</u>	
Applicant's Address:	<u>W7745 Bluff Rd.</u>	Phone # <u>262-903-3506</u>
	<u>Whitewater WI.</u>	

Owner of Site, according to current property tax records (as of the date of the application):	<u>Colleen & Mark Stelow Marvin Drays</u>
Street address of property:	<u>W7761 Bluff Rd.</u>
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):	<u>Marvin Drays</u> <u>W 7761 Bluff Rd</u> <u>Whitewater WI. 53190</u>
Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)	
Name of Individual:	
Name of Firm:	
Office Address:	
	Phone:
Name of Contractor:	
Has either the applicant or the owner had any variances issued to them, on any property? YES NO	
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.	

EXISTING AND PROPOSED USES:

Principal Use:	<u>Farm Shed.</u>	Current Land Use:
Accessory or Secondary Uses:		
		Proposed Use
		<u>Farm Shed.</u>
No. of occupants proposed to be accommodated:	<u>Stelow Family</u>	
No. of employees:	<u>None</u>	
Zoning District in which property is located:		
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:		

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	<i>y/15</i>
B. The proposed development will be consistent with the adopted city master plan;	<i>y/15</i>
C. The proposed development will be compatible with and preserve the important natural features of the site;	<i>Already Here</i>
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	<i>no</i>

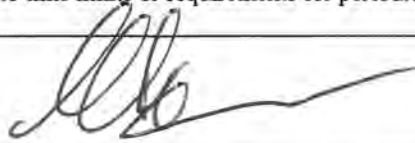
STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	NO
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	NO
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	NO
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	NO

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Plan Review" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.



Applicant's Signature

12/17/13
Date

APPLICATION FEES:

Fee for Plan Review Application: \$100

Date Application Fee Received by City 12-17-13 Receipt No. 6.010918

Received by J. Wagner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties:

Date set for public review before Plan & Architectural Review Board: 1-13-14

ACTION TAKEN:

Plan Review: Granted Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.

6. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

Cohen + Mark Strelow

Applicant's Mailing Address:

127745 Bluff Rd.
Whitewater WI. 53190

Applicant's Phone Number:

262.903-3506

Applicant's Email Address:

Project Information:

Name/Description of Development:

Address of Development Site:

Tax Key Number(s) of Site:

Property Owner Information (if different from applicant):

Name of Property Owner:

Property Owner's Mailing Address:

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

A. Application Fee.....\$ _____

B. Expected Planning Consultant Review Cost\$ _____

C. Total Cost Expected of Applicant (A+B)\$ _____

D. 25% of Total Cost, Due at Time of Application.....\$ _____

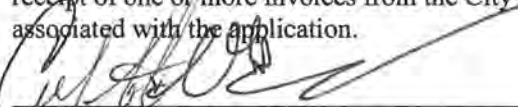
E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

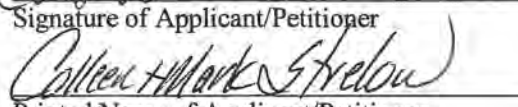
The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution


----- To be filled out by the Applicant and Property Owner -----

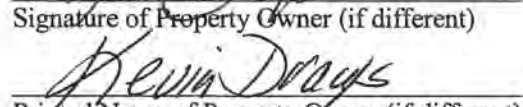
The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.


Signature of Applicant/Petitioner


Printed Name of Applicant/Petitioner

12-17-13
Date of Signature


Signature of Property Owner (if different)


Printed Name of Property Owner (if different)

12-17-13
Date of Signature



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: 1/13/2014
Re: Proposed Extraterritorial Jurisdiction Certified Survey Map to rezone from A-3 to A-2 to create an approximately 1.4 acre lot with a cell tower. Rezone from A-3 to A-2 to add approximately 1.6 acres with a shed to existing A-2 land for N515 Howard Road, Coldspring Road, Town of Coldspring, Jefferson County, Wisconsin.

Summary of Request

Requested Approvals: Mike Pope is requesting to rezone from A-3 to A-2 to create an approximately 1.4 acre lot with a cell tower. Rezone from A-3 to A-2 to add approximately 1.6 acres with a shed to existing A-2 land for N515 Howard Road

Location: Parcel number: 004-0515-2744-003, Town of Coldspring, Jefferson County, Wisconsin.

Analysis

The City reviews this subdivision because half of the location is within the 1.5-mile extraterritorial jurisdiction (ETJ) boundary. Please see the attached map.

This location is outside of the Whitewater Sewer Service Area Boundary and outside the long range urban growth area.

Recommendation on CSM

This preliminary CSM complies with all design standards and general provisions of the City Code Section 18.04.048 Extraterritorial subdivisions. I recommend that the Plan and Architectural Review Commission approve the Certified Survey Map with the following requirements:

1. The applicant shall meet all conditions set by The Town of Coldspring and Jefferson County for final approval.
2. Final CSM shall be reviewed and signed by City Staff and recorded with Jefferson County.



**Remaining A-3 Zone
7.5 Acres**

**Lot 1 - A-3 to A-2
Cell Tower
1.4 Acres**

**A-3 to A-2
1.6 Ac.**

**Existing A-2 Zone
6.3 Acres**

A-3 Zone

City
of
Whitewater

WOODMAN & ASSOCIATES, S.C.

Professional Land Surveyors

210 MADISON AVENUE
FORT ATKINSON, WISCONSIN 53538
(920) 563-8162
FAX (920) 563-6654

JAMES B. WOODMAN
PROFESSIONAL LAND SURVEYOR

MARK E. ANDERSON
PROFESSIONAL LAND SURVEYOR

November 18, 2013

Latisha Birkeland, Neighborhood Services Manager / City Planner
City of Whitewater
PO Box 178
Whitewater, WI 53190

Dear Latisha:

Enclosed are three (3) copies of a Preliminary Certified Survey Map prepared by us for Mike Pope, N515 Howard Road, Whitewater, WI 53190. Also enclosed is a check for the \$105 review fee.

This Certified Survey will rezone from A-3 to A-2 to create an approximately 1.4 acre lot with a cell tower. Rezone from A-3 to A-2 to add approximately 1.6 acres with a shed to existing A-2 land.

Please place this Preliminary on the next Plan Commission meeting agenda and notify Mr. Pope of the time and date of the meeting.

If the Preliminary is approved, a Final Certified Survey Map will be prepared and submitted for signature.

If you have any questions please let me know.

Sincerely,

WOODMAN & ASSOCIATES, S.C.



James B. Woodman, P.L.S.

JBW:mea

Enclosures

cc: Mike Pope
John Tincher



JEFFERSON COUNTY

PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A Division of land located in the SE1/4 of the SE1/4 of Section 27, Town 5N, Range 15 E,
Town of Cold Spring, Jefferson County, Wisconsin, on Parcel Number 004-0515-2744-003

Owner: Mike Pope
Address: N515 Howard Road
Whitewater, WI 53190
Phone: 262-473-3714

Date Submitted: November 18, 2013
Revised: _____

Surveyor: Woodman & Associates, S.C.
Address: 210 Madison Avenue
Fort Atkinson, WI 53538
Phone: 920-563-8162

Note to Be Placed on Final CSM

Petition # _____ Zoning _____

**Check for subsequent zoning
Changes with Jefferson County
Zoning Department.**

X Rezoning

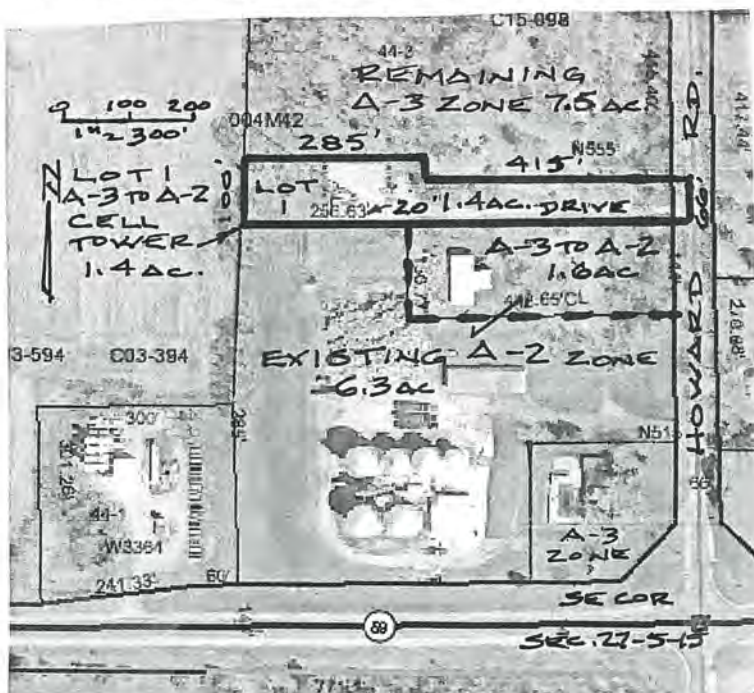
Allowed Division within Existing Zone

Farm Consolidation in an existing A-1 Zone

35+ Acre Lot in A-1 Zone

Survey of Existing Parcel

Intent and Description of Parcel to be Divided:



In addition to the info required by Sec 236.34 of State Statutes, Sec. 15.04(f) of the Jefferson County Land Division/Subdivision Ordinance requires that the following be shown:

- Existing Buildings, Watercourses, drainage ditches and other features pertinent to the proper division.
- Location of access to a public road, approved by the agency having jurisdiction over the road.
- All Lands reserved for future public acquisition.
- Date of the map.
- Graphic Scale

Rezone from A-3 to A-2 to create an approximately 1.4 acre lot with a cell tower.
Rezone from A-3 to A-2 to add approximately 1.6 acres with a shed to existing A-2 land.

NOTE: Areas and dimensions on this Preliminary are approximate only and in most cases will vary from the Final survey data.

Town Board Approval _____ Date _____

(Includes access approval if applicable)

County Highway Approval _____ Date _____

(If Applicable)

Extraterritorial Approval _____ Date _____

(If Applicable)

County Surveyor Approval _____ Date _____

Zoning Office Approval _____ Date _____

SHEET 1 OF 1
JOB NO: 95-18

Please submit four copies to Jefferson County Zoning, Room 201, 320 S. Main St., Jefferson, WI 53549



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: January 13, 2014
Re: Requested Conditional Use Permit for a “Class B” Beer and liquor license for Gezim Mylkaj, to serve beer and liquor by the glass at the “Downstairs” located at 204 W. Main Street.

Summary of Request

Requested Approvals: The applicant, Gezim Mylkaj, is requesting a conditional use permit (CUP) for a “Class B” Beer and Liquor License to serve beer and liquor by the glass.

Location: 204 W. Main Street

Current Land Use: Restaurant

Proposed Use: To serve beer and liquor by the glass.

Current Zoning: B-2 Central Business District

Proposed Zoning: (no change proposed)

Comprehensive Plan’s Future Land Use Designation: Central Business

Surrounding Zoning and Land Use:

Zoning

Surrounded by B-2

Current Land Use

Business

Summary of Request

Mr. Gezim Mylkaj has applied for a Conditional Use Permit for a “Class B” Beer and Liquor license to serve beer and liquor by the glass. Serving alcoholic beverages by the drink is a Conditional Use in the B-2 Zoning District.

Mr. Mylkaj stated a possible trade name for this establishment may be “The Downstairs Grind and Sports Bar.” He will be implementing a brewing area for coffee in the same location as the current bar and adding food sales. The applicant will expand the hours in the morning to serve the coffee drinking crowd. A coffee and food menu has been provided in the packet.

This location does not have a current sidewalk café permit. In the future, the applicant will have to apply for any outdoor seating that is located on public property. If they wanted to allow alcohol outside, they would need to apply to amend their Conditional Use Permit. The applicant would need to provide plans for the tables, chairs, fencing/roped off area, etc. at that time.

General Hours

Sunday	9:00 AM – 2:00 AM
Monday – Thursday	7:00 AM – 2:00 AM
Friday – Saturday	7:00 AM – 4:30 AM

Bar Hours (liquor served)

Sunday	11:00 AM – 2:00 AM
Monday – Thursday	12:00 PM – 2:00 AM
Friday – Saturday	12:00 PM – 2:30 AM

The City Code states that the hours of a retail class “B” license shall be in conformity with state statute 125.32(3)(a) through 125.32(3)(c):

- (a) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par. (c). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. [175.095 \(2\)](#), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.
- (b) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

Parking

All uses are exempted from parking requirements of Section 19.51.130 except if off-street parking is specifically required for a particular conditional use under Section 19.30.030. Parking is not required for this use.

Exterior and Interior

The applicant has indicated that there will be some minor cosmetic changes to the interior of 204 W. Main Street. Alcohol will be moved and locked in cooler or other storage areas during non-bar hours. In the future, all applicable changes will need to have all required state and local approvals. The proposed sign change will need to comply with all sign code regulations.

Recommendation on Conditional Use Permit

As of 12:00 PM on 1/6/2014, staff did not receive any comments regarding this application. We did receive questions regarding the application deadline, open liquor licenses in the community, etc.

I recommend that the Plan and Architectural Review Commission approve the conditional use permit for the “Downstairs” tavern, located at 204 W. Main Street, “Class B” Beer and Liquor license to serve beer and liquor by the glass subject to the following conditions:

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership will require approval of a conditional use permit for the new owner/operator from the Plan Commission.
2. The applicant shall comply with all required City and building codes.
3. An approved amendment to the Conditional Use Permit is required for serving alcohol in any future patio area.

If the CUP application is approved by the Plan Commission, Mr. Mylkaj would need approval for a “Class B” Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.

Analysis of Proposed Project

Standard	Evaluation	Comments
Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Yes	The Downstairs is located in the B-2 Zoning District where other restaurants that have “Class B” Beer and Liquor licenses are located.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	Everything has been provided prior to this application.
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	Yes	There shall be no minimum required ordinance design and dimensional standards or setbacks within the B-2 district. Because of the lack of predefined ordinance development standards, all proposed construction and remodeling activities requiring a zoning permit shall require the review and approval of the Plan and Architectural Review Commission. All uses are exempted from parking requirements of Section 19.51.130 except if off-street parking is specifically required for a particular conditional use under Section 19.30.030. Parking is not required for this use.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Yes	The Comprehensive Plan identifies the site as appropriate for “Central Business” uses. This would include pedestrian-orientated uses, which includes restaurants.
The conditional use and structures are consistent with sound planning and zoning principles.	Met	Project is consistent with the purpose, character and intent of the future land use classification and zoning district.



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 13th day of January 2014 at 6:00 p.m. for a public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Gezim Mylkaj to serve beer and liquor at 204 W. Main Street (for a "Class B" Beer and Liquor License) at The Bar Downstairs a/k/a Downstairs Lounge and Night Club.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Latisha Birkeland, Neighborhood Services Director/City Planner

— Duplicate Property Owners

TaxKey	Owner1	Owner2	Address1	Address2	City	Stat	Zip
/WSS 00001	ANTHONY M LOMBARDO	JANET M LOMBARDO	1180 THORNDAL LN		LAKE ZURICH	IL	60047-0000
/WSS 00002	DONNA JOANNE HENRY		347 S. JANESVILLE ST		WHITEWATER	WI	53190-0000
/WSS 00004	DALE R WOLF		1645 W. WILDWOOD DR		WHITEWATER	WI	53190-0000
/WSS 00006	STEVEN C SPEAR		577 EHLERT CT		WHITEWATER	WI	53190-0000
/WSS 00007	MICHAEL J RIPLEY		138 N. GEORGE ST		WHITEWATER	WI	53190-0000
/WSS 00008	ARKI GEORGE LLC		W396 S3675 HARDCRABBLE RD		DOUSMAN	WI	53118-0000
/WSS 00010	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	
/WSS 00011	RAYMOND N SHUPE JR	BRENDA SHUPE	1522 PARKVIEW LN		PORT WASHINGTON	WI	53074-0000
/WSS 00012	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	
/WUP 00061	W DANIEL SABLE	D JEAN SABLE	131 N FREMONT ST		WHITEWATER	WI	53190-0000
/WUP 00064	JAMES EHLERS	AMY EHLERS	N7174 COUNTRYSIDE LN		ELKHORN	WI	53121
/WUP 00065	ROSEMARY METZDORFF		119 N. FREMONT ST		WHITEWATER	WI	53190-0000
/WUP 00066	HAROLD MILES	DARLENE MILES	234 W. NORTH ST		WHITEWATER	WI	53190-0000
/WUP 00068	MEISNER ENTERPRISES LLC		N7547 W LAKESHORE DR		WHITEWATER	WI	53190-0000
/WUP 00087	JOHN W EJNJK	SARA L NORTON-EJNJK	130 N FREMONT ST		WHITEWATER	WI	53190-0000
/WUP 00088	KEVIN A NICKS	PATTY J NICKS	126 N. FREMONT ST		WHITEWATER	WI	53190-0000
/WUP 00089	MIKE & JEANS MONKEY BUSINESS		439 S PLEASANT ST		WHITEWATER	WI	53190-0000
/OT 00075	DLK ENTERPRISES INC		P. O. BOX 239		WHITEWATER	WI	53190-0000
/OT 00074	MARK O BERGEY	JEAN BERGEY	173 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00073	KJN DEVELOPMENT LLC		W316 W2920 ROBERTS RD		WAUKESHA	WI	53188
/OT 00072	LUIS, LATIN KING OF WHITEWATER		132 MAIN ST		WHITEWATER	WI	53190-0000
/OT 00071	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD		DOUSMAN	WI	53118-0000
/OT 00070	BLGL LLC		1691 MOUND VIEW PL		WHITEWATER	WI	53190-0000
/OT 00069	CHERYL A BRESNAHAN	MICHAEL J BRESNAHAN JR	117 S. SECOND ST		WHITEWATER	WI	53190-0000
/OT 00068	FIRE STATION 1 LLC		138 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00067	DIANE L TRAMPE		138 CENTER ST		WHITEWATER	WI	53190-0000
/OT 00065	TRIPLE J PROPERTIES LLC		W335 S2539 MORRIS RD		DOUSMAN	WI	53118-0000
/OT 00062	DONALD E LIGGETT TRUST		P. O. BOX 223061		PRINCEVILLE	HI	96722-0000
/OT 00061	FIRST CITIZENS STATE BANK		P. O. BOX 177		WHITEWATER	WI	53190-0000
/OT 00060	FIRST CITIZENS STATE BANK		207 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00059	FIRST CITIZENS STATE BANK OF WHITEWATER		TAX DEPT MC2408	200 E RANDOLPH DR	CHICAGO	IL	60607-0000
/OT 00058	FIRST CITIZENS STATE BANK BANK OF WHITEWATER		P. O. BOX 177		WHITEWATER	WI	53190-0000
/OT 00057	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00056	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00055A	FIRST CITIZENS STATE BANK BUILDING CORP				WHITEWATER	WI	53190-0000
/OT 00055	FIRST CITIZENS STATE BANK		207 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00054	FIRST CITIZENS STATE BANK		207 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00053A	FIRST CITIZENS STATE BANK		207 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00053	FIRST CITIZENS STATE BANK		207 W. MAIN ST		WHITEWATER	WI	53190-0000
/OT 00046	BART J KRAUS		301 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00033	MITCHELL J SIMON		211 N. PARK ST		WHITEWATER	WI	53190-0000
/OT 00032	MITCHELL J SIMON		211 N. PARK ST		WHITEWATER	WI	53190-0000
/OT 00031	ST JOHN LODGE 57 F. & A. M.	F&AM	266 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00030	KICH PROPERTIES LLC		N6927 GREENLEAF CT		ELKHORN	WI	53121-0000
/OT 00028	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	
/OT 00027	LIVING WORD FELLOWSHIP OF WHITEWATER INC		212 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00026	ROBERT A SWEET		N7598 LARRY'S RD		WHITEWATER	WI	53190-0000
/OT 00024	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	
/OT 00023	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	
/OT 00022	RODERICK O DALEE	MARY M DALEE	PO BOX 660		WHITEWATER	WI	53190-0000
/OT 00021	DAVID E SAALSAA		184 W MAIN ST #3		WHITEWATER	WI	53190-0000
/OT 00020	TERRENCE L STRITZEL		W5524 TRI COUNTY RD.		WHITEWATER	WI	53190-0000
/OT 00019	KJN DEVELOPMENT LLC		W316S2920 ROBERTS RD		WAUKESHA	WI	53188-0000
/OT 00018	KJN DEVELOPMENT LLC		W316S2920 ROBERTS RD		WAUKESHA	WI	53188-0000
/OT 00017	HICKS SURVIVORS TRUST		N7934 HWY 89		WHITEWATER	WI	53190-0000
/OT 00014	FIRST & MAIN OF WHITEWATER LLC		599 S FRANKLIN ST		WHITEWATER	WI	53190-0000
/OT 00013	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	



Neighborhood Services Department
Planning, Zoning, GIS, Code Enforcement
and Building Inspections

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 204 W. Main St. Whitewater
Owner's Name: Downstairs Bar & Grill, LLC.
Applicant's Name: Downstairs Bar & Grill, LLC,
Mailing Address: 204 W. Main St. Whitewater, WI 53190
Phone #: 773-592-2719 Email: troywilbur1@yahoo.com
Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

Existing and Proposed Uses:

Current Use of Property: 204 W. Main St. Whitewater
Zoning District: _____
Proposed Use: Apply - Alcohol Beverage license application

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	Same
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	yes
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	yes
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	yes

**Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: Gezim Myllkad

Date: 11.15.13

Printed: GEZIM MYLLKAD

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on 11-15-13. Received by: JWagner Receipt #: 6010868
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 1-2-14.
- 3) Notices of the Public Hearing mailed to property owners on 12-23-13.
- 4) Plan Commission holds the PUBLIC HEARING on 1-13-14. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Tips for Minimizing Your Development Review Costs: A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

****Note:** The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant:

Downstairs Bar & Grill, LLC.

Applicant's Mailing Address:

204 W Main St.
Whitewater, WI 53190

Applicant's Phone Number:

773-592-2719

Applicant's Email Address:

tracywilbur1@yahoo.com

Project Information:

Name/Description of Development:

Lounge & Nightclub / Downstairs Bar & Grill LLC.

Address of Development Site:

204 W Main St.

Tax Key Number(s) of Site:

27000 26

Property Owner Information (if different from applicant):

Name of Property Owner:

ROBERT A. SWEET

Property Owner's Mailing Address:

N 7598 LARRY RD
WHITWATER, WI 53190

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the Neighborhood Services Department -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

GEZIM MYLKAS

Signature of Applicant/Petitioner

Troy Wilbur

Printed Name of Applicant/Petitioner

11/15/2013

Date of Signature

Robert A. Sulez

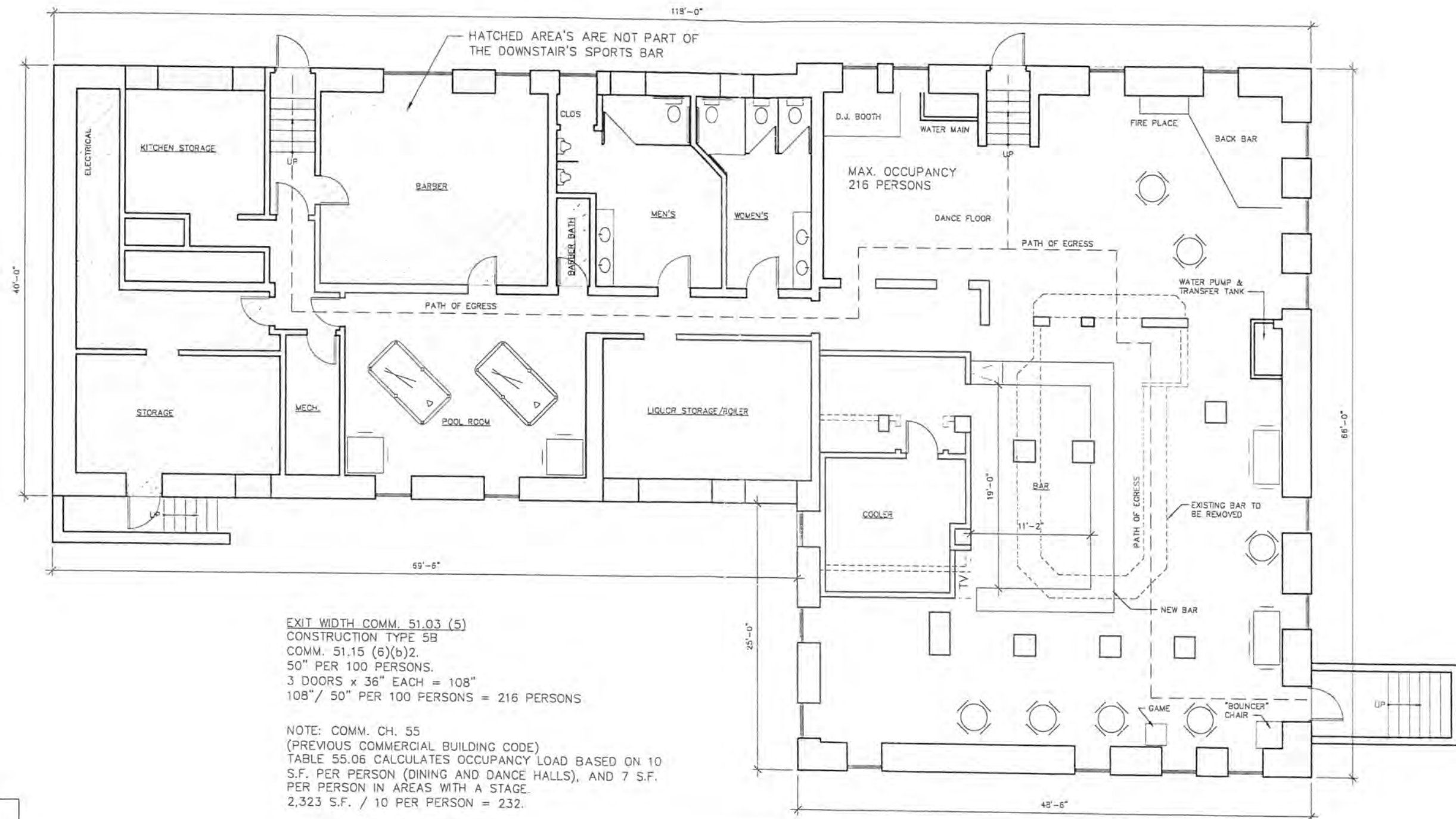
Signature of Property Owner (if different)

Robert A. Sulez

Printed Name of Property Owner (if different)

11-15-13

Date of Signature



NOTICE
FOR YOUR SAFETY
OCCUPANCY
IS LIMITED TO
216
PERSONS
BY ORDER OF
THE CODE OFFICIAL
KEEP POSTED UNDER PENALTY OF LAW

16
A1

MAX. OCCUPANCY SIGN DETAIL
SCALE: N.T.S.
2012/DOWNSTAIRS SPORTS BAR/DSB-DRAWINGS.DWG
DATE: JULY 25, 2012

20
A1

BASEMENT FLOOR PLAN
SCALE: 3/16" = 1'-0"
2012/DOWNSTAIRS SPORTS BAR/DSB-DRAWINGS.DWG
DATE: JULY 23, 2012

← N →

Design
Alliance
Architects, Inc.
1001 Madison Avenue
Fort Atkinson, WI
(920) 563-1404
FAX (920) 568-7058

Downstairs Sports Bar
204 W. Main Street
Whitewater, WI

DRAWING NAMES

BASEMENT FLOOR PLN
OCCUPANCY SIGN DTL

REVISIONS

PROJECT DATA

DATE: 7/26/2012
DRAWN BY: CL
CHECKED BY: P.W.

SHEET NO.

A-1



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
and Building Inspections*

www.whitewater-wi.gov
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission
From: Latisha Birkeland, Neighborhood Services Director / City Planner
Meeting Date: 01/13/2014
Re: Public Hearing to enact the proposed amendments to the City of Whitewater Municipal Codes: Chapter 19 Sign Ordinance, specifically Section 19.54.052 Maximum sign sizes, addressing B-1 (Community Business), B-3 (Highway Commercial and Light Industrial), I (Institutional), R-3 (Multifamily Residence), R-4 (Mobile Home), and AT (Agricultural Transition) Zoning Districts signage requirements for on premise directional signs to allow for nine (9) square feet of signage on each side of the directional sign.

Background

Last month, the Plan and Architectural Review Commission recommended approval to amend the City Ordinance 19.54.052 (Maximum sign size and types) to allow for nine (9) square feet of signage on each side of directional signs in the M-1 (General Manufacturing) M-2 (Manufacturing and Miscellaneous Use), and WUTP (Whitewater Technology Park) Zoning Districts. After the recommendation, it was identified that other areas of the sign code should also have the same clarification.

The existing code for B-1, B-3, I, R-3, R-4 and AT Zoning Districts allows directional signs to be a maximum of nine (9) square feet. As we saw last month, the Code does not state “per side” after the 9 square feet limitation, like it does in other areas. The Plan and Architectural Review Commission was informed that in the past wording would be allowed on each side, even though the code did not specifically state “per side.”

Allowing each side of the directional sign a maximum of nine (9) square feet will allow for proper signage for vehicles in both directions. If this change is recommended, all other sign requirements would remain the same, including vision triangle setbacks, etc.

Recommendation

I recommend that the Plan and Architectural Commission recommend to the Common Council, to approve the request to change Section 19.54.052 Maximum sign sizes, addressing B-1 (Community Business), B-3 (Highway Commercial and Light Industrial), I (Institutional), R-3 (Multifamily Residence), R-4 (Mobile Home), and AT (Agricultural Transition) Zoning Districts signage requirements for on premise directional signs to allow for nine (9) square feet of signage on each side of the directional sign.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan and Architectural Review Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Codes: Chapter 19 Sign Ordinance, specifically Section 19.54.052 Maximum sign sizes, addressing the B-1 (Community Business) B-3 (Highway Commercial and Light Industrial), I (Institutional), R-3 (Multifamily Residence), R-4 (Mobile Home), and AT (Agricultural Transition) Zoning Districts signage requirements for on-premise directional signs to allow for nine (9) square feet of signage on each side of the directional signs.

The proposed ordinance changes are on file in the office of the City Clerk and the document is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOTICE IS FURTHER GIVEN that the Plan and Architectural Review Commission of the City of Whitewater will hold a public hearing at the Municipal Building Community Room in said City, on Monday, January 13, 2014, at 6:00 p.m. to hear any person for or against said change.

Dated: December 19, 2013

Publish: December 26, 2013 and January 2, 2014 (two times)
in the Whitewater Register

Michele Smith, City Clerk

**CITY OF WHITEWATER
PETITION FOR CHANGE OR AMENDMENT OF ZONING**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

PROCEDURE

1. File the Petition with the City Clerk. Filed on 12/17/13.
2. Class 2 Notices published in Official Newspaper on 12-26-13 & 1-2-14.
3. Notices of Public Hearing mailed to property owners on _____.
4. Plan Commission holds PUBLIC HEARING on 1-13-14.
They will hear comments of the Petitioner and comments of property owners. Comments may be made either in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision on the recommendation they will make to the City Council.
6. City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change.

7. The Ordinance is effective upon passage and publication as provided by law.

PLEASE COMPLETE THE FOLLOWING APPLICATION. If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Lynn Binnie Phone # 473-2997

Applicant's Address: 1315 W. Satinwood Ln

Owner of Site, according to current property tax records (as of the date of the application):

N/A

Street address of Property: N/A

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: _____ Name of Firm: _____

Office Address: _____ Phone: _____

Name of Contractor: _____

Has either the applicant or the owner had any variances issued to them on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with:

EXISTING AND PROPOSED USES:

Current Zoning District or Ordinance to be Amended:

19.54.052 Maximum Sign sizes and types

Proposed Zoning District or Ordinance

Change of ordinance to allow for directional signs within the B-1, B-3, I, R-3, R-4 and AT Districts to allow 9 square feet per side (allow writing on both sides). Current ordinance only allows for a total of 9 square feet. Note: such a change has already been proposed for the M-1, M-2 and WUTP districts.

Zoning District in which Property is located: This proposed amendment could apply to any property in the B-1, B-3, I, R-3, R-4 or AT districts.

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details. Computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

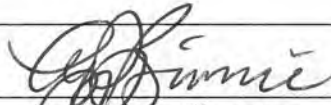
STANDARD	APPLICANT'S EXPLANATION
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	The proposed amendment will allow for increased visibility for signage to serve as directional informational signs for traffic.
B. The Proposed development will be consistent with the adopted city master plan;	The proposed changes are consistent with the City Master Plan.

C. The proposed development will be compatible with and preserve the important natural features of the site;	N/A
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	The proposed change will allow for more orderly traffic flow.

STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	Will allow for better traffic flow.
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	Will follow all other sign ordinance requirements.
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	N/A
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	N/A

CONDITIONS

The city of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).


Applicant's Signature

12/17/13
Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City _____ Receipt No. _____

Received by _____

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: _____

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Public Hearing: ____ Recommendation ____ Not Recommended by Plan & Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION: _____

Signature of Plan Commission Chairman

Date

Jane Wegner

From: Wallace McDonell [wkm@hmattys.com]
Sent: Tuesday, January 07, 2014 10:59 AM
To: Latisha Birkeland
Cc: Cameron Clapper; Christopher McDonell; Fisher, Mark; Michele Smith; Jane Wegner
Subject: Discontinuance of alley east of the Main Street and Jefferson Street intersection.

Memo to the City Council and Plan Commission concerning discontinuance of alley east of the Main Street and Jefferson Street intersection:

When designing the East Gateway project in the area of Jefferson Street and Main Street, it was determined that there is an unopened alley on our official map just to the east of what has been the Cordio Auto Parts business. The current driveway location for the auto parts business is not appropriate for the new design of the intersection. After carefully studying the options, it was determined that it would be in the best interests of the City to discontinue the unopened alley which will allow the relocation of the driveway serving the auto parts business. The alley intersects two lots owned by Donna Henry and she is in favor of the discontinuance of the alley. Under the circumstances, our City engineers and the City staff recommend that the alley be discontinued.

Wally McDonell

Wallace K. McDonell

Harrison, Williams & McDonell, LLP
452 W. Main Street
P.O. Box 59
Whitewater, WI 53190
Phone: 262-473-7900
Fax: 262-473-7906
wkm@hmattys.com

**NOTICE OF HEARING CONCERNING THE
DISCONTINUANCE OF ALLEY**

NOTICE

PLEASE TAKE NOTICE that on February 4, 2014, at 6:30 p.m. at the City of Whitewater Municipal Building Community Room located at 312 W. Whitewater Street, Whitewater, Wisconsin, the Common Council of the City of Whitewater will consider a resolution discontinuing an alley that is located between Lots 4 and 5 of Tripps 2nd Addition that intersects with Main Street (east of the Main Street and Jefferson Street intersection).

The legal description of the area to be discontinued is as follows:

Part of the north-south Alley in Block 1 of Tripps 2nd Addition, located in the Northwest ¼ of the Southeast ¼ of Section 4, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin more fully described as follows:

Commencing at the South ¼ corner of said Section 4;

Thence North 0° 35' 51" East, 2216.52 feet along the West line of the Southeast ¼ of said Section 4 to the Southeast corner of Lot 4, Block 1, of Tripps 2nd Addition also being the Northerly right-of-way line of Main Street and the point of beginning;

Thence North 0° 35' 51" East, 100.09 feet along the East line of said Lot 4 to the Northeast corner of said Lot 4;

Thence South 86° 47' 39" East, 19.82 feet to the Northwest corner of Lot 5 in said Block 1; thence South 0° 35' 51" West, 100.09 feet along the West line of said Lot 5 to the southwest corner of said Lot 5 also being said Northerly right-of-way line;

Thence North 86° 47' 39" West, 19.82 feet along said right-of-way line to the P.O.B.

Containing 1,982 square feet, more or less.

All utility easements and any easement for existing utilities are being retained by the City of Whitewater.

Detailed plans of said discontinuance are available at the offices of the City of Whitewater Municipal Clerk located at 312 W. Whitewater Street, Whitewater, Wisconsin.

Michele R. Smith, City of Whitewater Clerk

(Note to Publisher: Publish one time per week starting the week of January 2, 2014, for three consecutive weeks.)

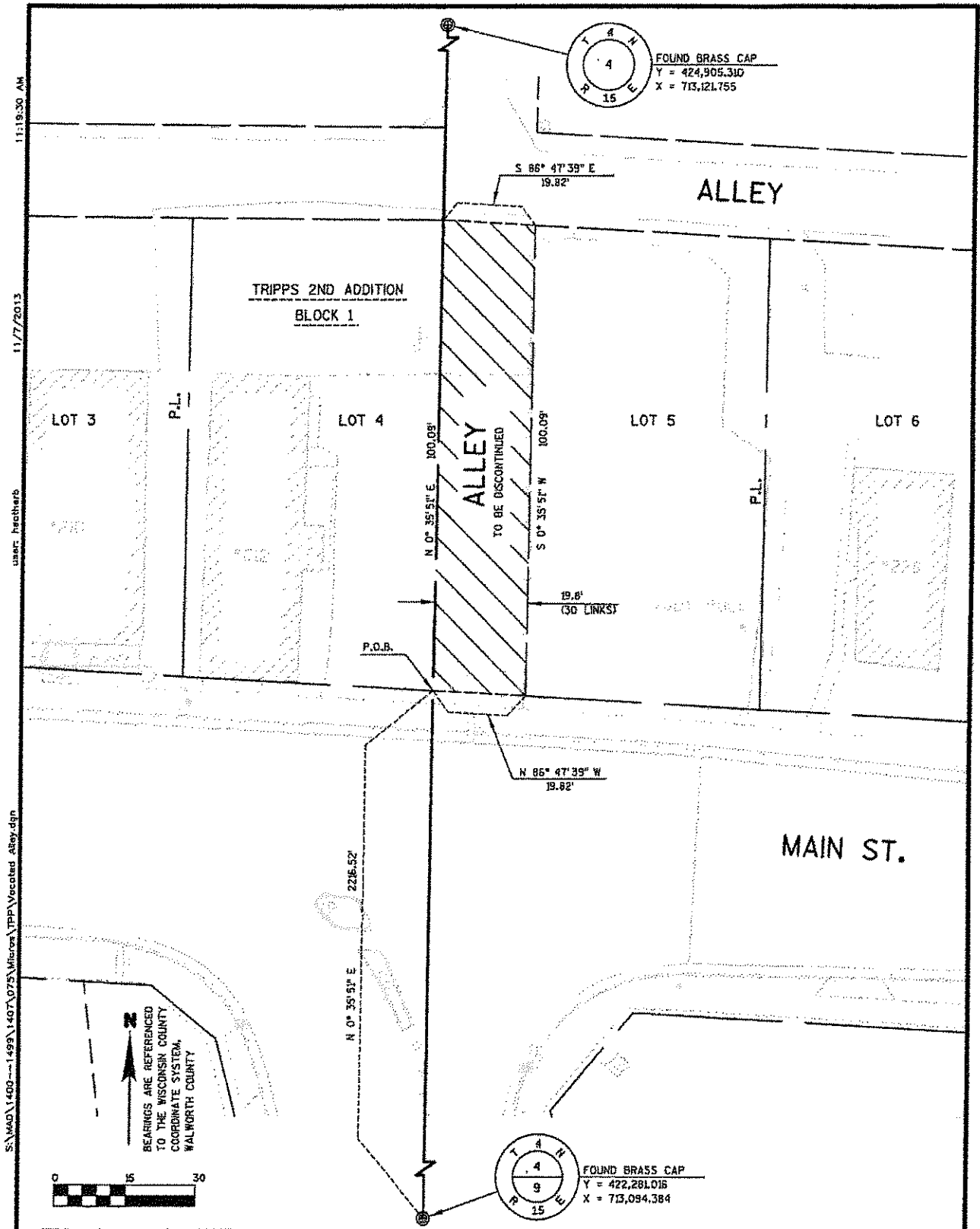
EXHIBIT A

Part of the north-south Alley in Block 1 of Tripps 2nd Addition, located in the Northwest 1/4 of the Southeast 1/4 of Section 4, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin more fully described as follows:

Commencing at the South 1/4 corner of said Section 4;
Thence North 0° 35' 51" East, 2216.52 feet along the West line of the Southeast 1/4 of said Section 4 to the Southeast corner of Lot 4, Block 1, of Tripps 2nd Addition also being the Northerly right-of-way line of Main Street and the point of beginning;

Thence North 0° 35' 51" East, 100.09 feet along the East line of said Lot 4 to the Northeast corner of said Lot 4;
Thence South 86° 47' 39" East, 19.82 feet to the Northwest corner of Lot 5 in said Block 1;
thence South 0° 35' 51" West, 100.09 feet along the West line of said Lot 5 to the Southwest corner of said Lot 5 also being said
Northerly right-of-way line;
thence North 86° 47' 39" West, 19.82 feet along said right-of-way line to the P.O.B.

Containing 1,982 square feet, more or less.



**ALLEY DISCONTINUANCE
BLOCK 1, TRIPPS 2ND ADDITION
CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN**

SA
STRAND
ASSOCIATES*

EXHIBIT B
JOB # 1407-075

RESOLUTION DISCONTINUING ALLEY

WHEREAS, there is an unpaved alley located between Lots 4 and 5 in Tripp's 2nd Addition to the City of Whitewater, as shown on the attached map, and

WHEREAS, more than 50% of the owners of the lands abutting the unpaved alley have petitioned for its discontinuance, and

WHEREAS, it is in the public's best interest to discontinue said alley.

Now, therefore, **BE IT RESOLVED** as follows:

1. The alley intersecting (East of the Main Street and Jefferson Street intersection) with Main Street in the City of Whitewater and located between Lots 4 and 5 in Tripp's 2nd Addition to the City of Whitewater and legally described as set forth on Exhibit A is hereby discontinued. A map labeled Exhibit B showing the area to be discontinued is attached hereto.

2. All utility easements and any easements for existing utilities are being retained by the City of Whitewater.

3. The official map of the City of Whitewater is hereby amended to show the discontinuance of the alley.

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

Cameron Clapper, City Manager

NOES:

ABSENT:

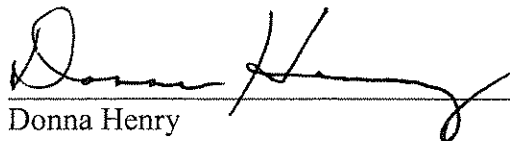
Michele R. Smith, City Clerk

ADOPTED:

PETITION FOR DISCONTINUANCE
OF ALLEY

The below-signed petitioner hereby petitions for the discontinuance of the alley intersecting with Main Street which runs between Lots 4 and 5 in Tripp's 2nd Addition to the City of Whitewater, as legally described on the attached Exhibit A, in the City of Whitewater, Wisconsin, as shown on the attached map labeled Exhibit B, pursuant to Wis. Stats. 66.1003(3).

Dated: 12/27/13, 2013.



Donna Henry
347 South Janesville Street
Whitewater, WI 53190